

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN GARRETT SMITH,

Plaintiff,

v.

TIMOTHY THRASHER,

Defendant.

CASE NO. 23-cv-5013 MJP-MLP

ORDER ADOPTING THE REPORT
AND RECOMMENDATION

Having reviewed the Report and Recommendation of the Honorable Michelle L. Peterson, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation.

(2) Petitioner's petition for writ of habeas corpus (Dkt. Nos. 2, 11), and this action, are DISMISSED for lack of jurisdiction.

(3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED.

1 The Clerk is directed to send copies of this Order to the parties and to Judge Peterson.

2 Dated March 7, 2023.

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4 Marsha J. Pechman
5 United States Senior District Judge
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